

Remarks

This is in response to the Office Action mailed on December 4, 2003. Applicant would like to thank the Examiner for allowing claims 1-3. Claims 1, 4, and 7 have been amended. The amendments are editorial and they are supported throughout the specification and figures. Accordingly, no new matter has been introduced. Reconsideration and allowance are respectfully requested in view of the following remarks.

A. Section 112

Claims 4-9 were rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Office Action states that the structure of the claimed invention cannot be defined with respect to subject matter that is not a part of the claimed invention.

Claim 4, which is directed at a screw, has been amended to reference a tool in the preamble of the claim and to include an angle limitation with respect to a reference plane measured relative to the screw. Accordingly, the structure of the screw is defined with respect to the screw itself and the references to the tool merely aid in the description of such structure. It is submitted that the claim as recited is not indefinite. Claims 5-6 depend on and further limit claim 4; therefore, for at least the same reasons, they are also not indefinite.

Claim 7, which is directed at a tool, has been amended to reference a tool in the preamble of the claim and to include an angle limitation with respect to a reference plane measured relative to the tool. Accordingly, the structure of the tool is defined with respect to the tool itself and the references to the screw merely aid in the description of such structure. It is submitted that claim 7 is not indefinite. Claims 8-9 depend on and further limit claim 7; therefore, for at least the same reasons, they are also not indefinite.

B. Section 103

In section 3 of the Office Action, claims 4-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over West, U.S. Patent No. 2,800,829, in view of Seidl, U.S. Patent No. 5,171,117. This rejection is respectfully traversed.

Claim 4 recites a screw for use with a tool having a surface between an engagement section and central point that is positioned at an obtuse angle measured relative to a reference

plane perpendicular to the longitudinal axis of the tool which intersect the surface. The screw includes a transition surface between a first and a second recess, which extends to the second recess at a first angle measured relative to a reference plane perpendicular to the longitudinal axis of the screw, the first angle being obtuse and less than the angle formed by the surface positioned between an engagement section and central point of the tool, so that a space is formed between the transition surface and the surface when the tool is inserted into the slot, the space diverging towards the central point.

A screw configured as recited in claim 4 can be advantageous to enhance engagement between the screw and a tool configured to drive the screw. Claim 4 includes limitations similar to those of claim 1 which the Examiner has found allowable. Neither West nor Seidl, alone or in combination, disclose or suggest such a configuration of a screw. In particular, neither reference discloses the transition surface of the screw that is constructed to aid mating the screw and the tool. Seidl fails to disclose or suggest a transition surface. West fails to disclose or suggest a transition surface that is at an obtuse angle measured relative to a plane perpendicular to the longitudinal axis of a screw such that it defines a space between the transition surface and the tool that diverges towards a center point. Reconsideration and allowance of claim 4, as well as claims 5 and 6 that depend therefrom, is respectfully requested.

Claim 7 is directed to a tool. Similarly to claim 1, claim 7 recites, *inter alia*, that the tool comprises a surface between an engagement section and a central point. Claim 7 further recites that the second angle being greater than a first angle formed by the transition surface of the screw, so that a space is formed between the transition surface and the surface when the tool is inserted into the slot, the space diverging towards the central point.

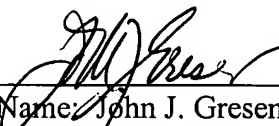
Claim 7 includes limitations similar to those of claim 1 which the Examiner has found allowable. Neither West nor Seidl, alone or in combination, disclose or suggest such a configuration of a tool. In particular, neither reference discloses the surface of the tool between the engagement section and a central point that is constructed to aid mating the screw and the tool. Seidl fails to disclose or suggest a tool having a surface between an engagement section and a central point as claimed. West fails to disclose or suggest such a surface configured to form a space between the tool and the screw that diverges towards a center point. Reconsideration and allowance of claim 7, as well as claims 8 and 9 that depend therefrom, is respectfully requested.

In view of the above amendments and remarks, claims 1-9 are in condition for allowance. Favorable reconsideration in the form of a Notice of Allowance is respectfully requested. The Examiner is encouraged to contact the undersigned attorney with any questions regarding the application.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: ~~April~~ ^{May 3}, 2004

By: 
Name: John J. Gresens
Reg. No.: 33,112
JJG/JEL:sl

